UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/965,753
Filing Date: September 28, 2001
Appellant(s): GARGIULO, JOSEPH L.

George M. Macdonald
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 17, 2005 appealing from the Office

action mailed October 26, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims. The rejections can also be found in the Final Office Action mailed in August 26, 2004.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 5-6, 10, 14-15, 19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels, et al., U. S. Patent 4,556,944 in view of Dietz, U. S. Patent 6,175,820 in further view of Pigos, Jr. et al., U. S. Patent 6,370,521.

As to claims 1, 10 and 19, Daniels teaches a postage metering system for dispensing postage, a method of operating a postage meter system for printing a message, comprising (abstract and column 2 lines 45-48):

a) A voice recognition system for receiving a voice message (column 3 lines 27-32 and Figs. 1-2);

b) A printer module for printing on a recording medium (column 2 lines 45-48 and column 3 lines 21-26);

c) A control system in operative communication with the voice recognition system and the printer module (column 3 lines 13-15 and Figs. 1-2; *specifically, "a control system" corresponding to the main processor in Daniels' teaching*);

d) The control system for: translating the voice message into a computer based

text; and printing a print message from the computer based text using the printer

module (column 2 lines 45-48 and column 3 lines 40-54).

Daniels does not specifically teach operating a telephone answering machine,

and the voice message received by the voice recognition system is received from a

modem that receiving an incoming telephone call and storing a voice message

associated with the telephone call. However, Dietz teaches operating a telephone

answering machine receiving a voice message from an telephone call via a modem,

and storing the voice message associated with the telephone call, and translate the

voice message into a computer based text (column 4 lines 10-55 and column 6 lines 11-

17 and Figs. 1-3B; specifically, "a telephone answering machine" corresponds to the

voice recognition system, such as item 15 in Fig. 1, item 303 in Figs. 3A-3B). It would

have been obvious to one of ordinary skill in the art at the time the invention was made

to allow the voice recognition system in Daniels' teaching to include a telephone

answering machine, and a modem for receiving an incoming telephone call and storing

a voice message associated with the telephone call because this would expand the

usage environments of the voice recognition system by recognizing the voices received

from telephone calls and attract more people to use the postage metering system of

Daniels.

The teaching of Daniels modified by Dietz does not specifically teach sending the

voice message and print message to a central server. However, Pigos teaches sending

all the messages to a central server, wherein the messages including printing message

(abstract and column 5 line 8 – column 6 line 13 and Fig. 1). Pigos does not specifically

teach the messages including voice message. It would have been obvious to one of

ordinary skill in the art to allow the messages in Pigos' teaching to include voice

message for expanding the usage environment of Pigos and thus to attractive more

users to use Pigos' teaching. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to allow the teaching of Daniels modified by Dietz

to include the feature of sending the voice message and print message to a central

server as taught by the modified teaching of Pigos because this would centralize

transactions of the postage meter and better monitoring the transactions.

As to claims 5, 14 and 23, Daniels teaches the control system in the postage

metering system is further for establishing printing parameter set by an operator of the

postage metering system (column 2 lines 45-48 and column 3 line 61 – column 4 line 2).

Daniels does not specifically teach the control system is for parsing the computer based

text to create special print characteristics within the print message to highlight critical

data in response to a previously established parsing parameter set by an operator of the

postage metering system. However, Dietz teaches a control system for parsing the

computer based text to create special characteristics within the print message to

highlight critical data in response to a previous established parsing parameter set by an

operator (column 4 lines 65 – column 5 line 64 and column 6 lines 8-23 and column 7

lines 1–41). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to allow the control system in Daniels' teaching to include a feature

of parsing the computer based text to create special print characteristics within the print

message to highlight critical data in response to a previously established parsing

parameter set by an operator as taught by Dietz because this would allow the important

content within the print message to be prominent to the message reader, thus the

message reader can faster and easily to understand the message.

As to claims 6, 15 and 24, Daniels modified by Dietz teaches creating special

printer characteristics in response to a previous established parsing parameter as

discussed in claim 5 above. Dietz gives examples of the previous established parsing

parameter, such as volume level, word distance in time, etc. (column 7 lines 12-25).

Daniel modified by Dietz does not explicitly teach the previously established parsing

parameter is names. It would have been obvious to one of ordinary skill in the art to

allow the teaching of Daniels modified by Dietz to include the feature of the previous

established parsing parameter comprising names so that the names in the print

message would be prominent to the message reader, and attract the users with

particular needs for emphasis on name printings within the print messages to use this

postage metering system.

3. Claims 2-3, 11-12 and 20-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Daniels, et al., U. S. Patent 4,556,944 in view of Dietz, U. S. Patent

6,175,820 and Pigos, Jr. et al., U. S. Patent 6,370,521, and in further view of Kulpa et

al., U. S. Patent 4,744,554.

As to claims 2, 11 and 20, Daniels modified by Dietz and Pigos teaches a

postage metering system translating a voice message into a computer based text, and

printing the computer based text as discussed in claim 1 above. Daniels further teaches

the control system in the postage metering system is further for initiating printing of the

print message in response to a previous established print parameter set by an operator

of the postage metering system (column 2 lines 45-48 and column 3 line 61 – column 4

line 2; *specifically, "a previous established print parameter set" corresponding to the

specific key words that the voice recognition unit is trained to recognize in Daniels'

teaching*).

Daniels modified by Dietz and Pigos does not specifically teach the postage

metering system further comprising an input hopper for holding a stack of recording

media, and a transport module for feeding the recording medium one at a time from the

stack downstream in a path of travel past the printer module; and wherein the control

system is further for automatically feeding the recording medium from the input hopper.

However, Kulpa teaches a postage metering system that is well known in the prior art,

comprising an input hopper for holding a stack of recording media, and a transport

module for feeding the recording media seriatim (one at a time) from the stack

downstream in a path of travel past the printer module, and automatically feeding the

recording medium from the input hopper for printing (column 1 lines 9-23). It would

have been obvious to one of ordinary skill in the art at the time the invention was made

to allow the postage metering system of Daniels modified by Dietz and Pigos to include

the features of an input hopper for holding a stack of recording media, and a transport

module for feeding the recording media one at a time from the stack downstream in a

path of travel past the printer module, and automatically feeding the recording medium

from the input hopper for printing as taught by Kulpa for fast feeding and printing the messages on the recording medium.

As to claims 3, 12 and 21, Daniels teaches the previously established print parameter is automatic printing in response to receipt of the voice message (column 2 lines 45-48 and column 3 line 61 – column 4 line 2).

4. Claims 4, 7-8, 13, 16-17, 22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels, et al., U. S. Patent 4,556,944 in view of Dietz, U. S. Patent 6,175,820 and Pigos, Jr. et al., U. S. Patent 6,370,521 and Kulpa et al., U. S. Patent 4,744,554, and in further view of Doeberl et al., U. S. Patent 5,310,128.

As to claims 4, 13 and 22, Daniels modified by Dietz, Pigos and Kulpa teaches a postage metering system translating a voice message into a computer based text, and printing the computer based text on a recording medium. Daniels modified by Dietz, Pigos and Kulpa does not explicitly teach the recording medium is a strip tape. However, Doeberl teaches printing information on a strip tape (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the recording medium of Daniels modified by Dietz, Pigos and Kulpa to be a strip tape because this would expand the usage environments of the postage metering system and attract more people with various types of recording medium to use the postage metering system.

As to claims 7, 16 and 25, Daniels modified by Dietz, Pigos, Kulpa and Doeberl teaches the control system in the postage metering system is further for establishing printing parameter set by an operator of the postage metering system as discussed in

claim 4 above. Daniels does not specifically teach the control system is for parsing the

computer based text to create special print characteristics within the print message to

highlight critical data contained within the voice message in response to a previously

established parsing parameter set by an operator of the postage metering system.

However, Dietz teaches a control system for parsing the computer based text to create

special characteristics within the print message to highlight (i.e. bold printing) critical

data contained within the voice message in response to a previous established parsing

parameter set by an operator (column 4 lines 65 – column 5 line 64 and column 6 lines

8-23 and column 7 lines 1–41). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to allow the control system in Daniels'

teaching to include a feature of parsing the computer based text to create special print

characteristics within the print message to highlight critical data contained within the

voice message in response to a previously established parsing parameter set by an

operator as taught by Dietz because this would allow the important content within the

print message to be prominent to the message reader, thus the message reader can

faster and easily to understand the message.

As to claims 8, 17 and 26, Daniels modified by Dietz, Pigos, Kulpa and Doeberl

teaches creating special printer characteristics to bold print the special characteristics in

response to a previous established parsing parameter as discussed in claim 7 above.

Dietz gives examples of the previous established parsing parameter, such as volume

level, word distance in time, etc. (column 7 lines 12-25). Daniels modified by Dietz,

Pigos, Kulpa and Doeberl does not explicitly teach the previously established parsing

parameter includes <u>names</u> as critical data. It would have been obvious to one of

ordinary skill in the art to allow the teaching of Daniels modified by Dietz, Pigos, Kulpa

and Doeberl to include the feature of the previous established parsing parameter

comprising names as critical data so that the names in the print message would be

prominent to the message reader, and attract the users with particular needs for

emphasis on name printings within the print messages to use this postage metering

system.

5. Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Daniels, et al., U. S. Patent 4,556,944 in view of Dietz, U. S. Patent 6,175,820, and

Pigos, Jr. et al., U. S. Patent 6,370,521, and Kulpa et al., U. S. Patent 4,744,554 and

Doeberl et al., U. S. Patent 5,310,128, and in further view of McCutcheon et al., U. S.

Patent 6,161,007.

As to claims 9, 18 and 27, Daniels modified by Dietz, Pigos, Kulpa and Doeberl

teaches a postage metering system translating a voice message into a computer based

text, and printing the computer based text as discussed above. Daniels modified by

Dietz, Pigos, Kulpa and Doeberl does not specifically teach the postage metering

system further comprising: a clock module for supplying real time clock data to the

control system; and wherein the control system is further for: creating header

information associated with the voice message, the header information including a

date/time stamp, a duration indication and a message number indication; and printing

the header information with the print message. However, McCutcheon teaches a

telecommunication system comprising a clock module for supplying real time clock data

to the control system (column 3 lines 54-55 and column 5 lines 33-36); wherein, the

control system creates header information associated with the voice message, the

header information including a date/time stamp (column 3 lines 61-67 and column 4

lines 29-65); and printing the header information with the print message (column 3 lines

29-65 and column 5 line 61 – column 6 line 3 and Fig. 5). McCutcheon does not

explicitly teach the header information including a duration indication and a message

number indication. It would have been obvious to one of ordinary skill in the art to allow

the header information in McCutcheon's teaching to include a duration indication and a

message number indication because these features embedded in the header

information would allow the message reader to better identifying and organizing the

message. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to allow the teaching of Daniels modified by Dietz, Pigos, Kulpa

and Doeberl to include the features of a clock module and printing the header

information associated with the voice message as taught by the modified teaching of

McCutcheon because these would allow the message reader to better identifying and

organizing the message.

(10) Response to Argument

In response to appellant's argument that there is no suggestion to combine the

references, examiner believes that it is not necessary that references actually suggest,

expressly or in so many words, the changes or possible improvements the appellant

has made. In re Sheckler, 58 CCPA 936, 438 F.2d 999, 168 USPQ 716 (1971). Also,

references are evaluated by what they suggest to one versed in the art, rather than by

their specific disclosures. In re Bozek, 57 CCPA 713, 416 F.2d 1385, 872 OG 1026, 163

USPQ 54 (1969). In re McLaughlin, 170 USPQ 209 (CCPA 1971).

The appellant argues that the cited references do not teach telephone answering

capability. Examiner believes that Daniels teaches answering machine functionality by

first recognizing the operator's voice command, and then processing the command and

printing postage in response to the voice command (column 2 lines 45-49 and column 3

lines 27-32). Dietz teaches telephone answering capabilities by using a telephone as

an input device to a voice recognition system (column 4 lines 47-51 and Figs. 1-2).

Thus, the combined teaching of Daniels and Dietz clearly teaches telephone answering

capability. If the appellant's definition for "telephone answering capability" has specific

meaning other than how one of ordinary skill in the art would interpret the term,

examiner would like to remind that the term "telephone answering capability" or

"answering machine functionality" is not presented in the claims.

In response to appellant's argument that Pigos is nonanalogous art, it has been

held that a prior art reference must either be in the field of applicant's endeavor or, if

not, then be reasonably pertinent to the particular problem with which the applicant was

concerned, in order to be relied upon as a basis for rejection of the claimed invention.

See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the

appellant claims sending messages to a central server, and Pigos teaches central

server receives all kinds messages (i.e. printing message) from other workstations for

processing mails (column 5 lines 8-35 and Fig. 1).

Regarding claims 5, 14 and 23, the appellant argues that Dietz teaches extract voice and bold emphasized data whereas the current applicant claims parsing the computer based text and highlight data. Examiner believes that Dietz teaches converting speech to computer based text, and parsing the text by providing bolding, italics, and other textual cues (column 4 lines 52-67). The word "highlight" is defined in the dictionary as "to accentuate/to draw attention to" (Webster's Student Dictionary, 1999 Barnes & Nobel Books, ISBN 0-7607-1492-4). Thus, Dietz clearly teaches highlight data since Dietz teaches bolding and italicizing data.

Regarding to claim 6, the appellant argues that the cited references do no teach the parsing parameter is names. As discussed in the final office action, examiner believes it would have been obvious to one of ordinary skill in the art to allow the teaching of Daniels modified by Dietz to include the feature of the previous established parsing parameter comprising names so that the names in the print message would be prominent to the message reader, and attract the users with particular needs for emphasis on name printings within the print messages to use this postage metering system.

Regarding to claim 2, the appellant argues that the cited references fails to teach printing the print message that is message from the computer based text using the printing module. Examiner believes that Daniels teaches this matter by converting the voice command into ASCII codes and printing the message accordingly (column 2 lines 45-49 lines and column 3 lines 32-60).

Appellant's arguments for claims 4, 7-8, 13, 16-17, 22 and 25-26 are based on the arguments above; thus, examiner's rebuttals are the same.

Regarding claim 9, 18 and 27, the appellant argues that the cited reference fails to teach the header information including a duration indication and a message number indication. As discussed in the final office action, McCutcheon teaches a telecommunication system comprising a clock module for supplying real time clock data to the control system (column 3 lines 54-55 and column 5 lines 33-36); wherein, the control system creates header information associated with the voice message, the header information including a date/time stamp (column 3 lines 61-67 and column 4 lines 29-65); and printing the header information with the print message (column 3 lines 29-65 and column 5 line 61 – column 6 line 3 and Fig. 5). McCutcheon does not explicitly teach the header information including a duration indication and a message number indication. It would have been obvious to one of ordinary skill in the art to allow the header information in McCutcheon's teaching to include a duration indication and a message number indication because these features embedded in the header information would allow the message reader to better identifying and organizing the message.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mary Cheung

December 19, 2005

MARY D. CHEUNG
PRIMARY EXAMINER

Conferees:

James Trammell

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